

Appl. No. : 10/004,543
Filed : December 4, 2001

COMMENTS

Claims 11-19 are now pending in the present application. Claims 2-10 having been canceled without prejudice or disclaimer, and new Claims 11-19 having been added.

In response to the Office Action dated April 23, 2003, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Sptizer Does Not Anticipate Or Render Obvious The Eyeglass of Claims 2-10

Claims 2, 3, and 6-10 stand rejected as being anticipated by U.S. Patent No. 6,349,001 issued to Spitzer (hereinafter "Spitzer") and Claims 4 and 5 stand rejected as being obvious in light of Spitzer and the knowledge of one of ordinary skill in the art. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have canceled Claims 2-10. Applicants respectfully reserve the right to further prosecute original Claims 2-10 through continuation practice.

New Claims 11-19 Clearly and Non-Obviously Define Over The Prior Art

Applicants have added new Claims 11-19 that are fully supported by the specification, and thus, no new matter has been introduced. Additionally, Applicant submit that new Claims 11-19 clearly and non-obviously define over the prior art.

The Spitzer reference, previously cited against canceled Claims 2-10, teaches an eyeglass having a camera and/or a heads-up display mounted thereto. The camera (e.g. 210 in Figure 3 of Spitzer) captures images and directs the images to off-board electronics for video processing, through a cable 230, for example. Similarly, Spitzer describes a heads-up display including a projector 720 (Figure 10 of Spitzer) mounted to an eyeglass frame and configured to direct a video image to one of the lens supported by the eyeglass frame. However, nowhere does Spitzer indicate that memory storage for video, audio or MP3 format memory can be disposed in the eyeglass frame.

Spitzer does teach that storage devices such as "tape recorder, recordable digital video disk system, [or] recordable compact disk system" can be disposed in a storage module 1001 (Figure 20 of Spitzer) connected to the eyeglass frame 1003 with a strap 1002. Spitzer, col. 10, ll. 22-26 and 63-67. One of ordinary skill in the art would not find this description to teach or suggest that an MP3 formatted memory device for storing music can be disposed within the frame of the eyeglass 2003.

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In contrast, new Claims 11 and 17 recite, among other features, an MP3 format memory device carried inside of the eyeglass frame and means for storing music in an MP3 format inside of the eyeglass frame, respectively, as well as at least one earphone directed toward a wearer. Applicants thus submit that new Claims 11 and 17 clearly and non-obviously define over the Spitzer reference.

Additionally, Applicants submit that new Claims 12-16, 18, and 19 also define over the Spitzer reference, not only because they depend from Claims 11 or 17, but also on their own merit.

Drawing Objection

The drawings stand objected to for failing to illustrate "the telecommunications receiver, telecommunication transmitter, the power supply, the first and second earphones and the microphone as recited in Claims 2-10, or the feature(s) canceled from the claim(s)." Applicant notes that Claims 2-10 have been canceled without prejudice or disclaimer. However, as some of the features noted by the Examiner have been included in new Claims 11-29, Applicants have submitted herewith proposed new Figure 5 showing a lens supported by the frame 12, and an MP3 format memory, retrieval circuitry, and a power supply disposed inside the frame 12. Additionally, Applicants have amended the specification to include a brief description of new Figure 5.

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CONCLUSION

The undersigned has made a good faith effort to respond to all the rejections in the case and to place the claims into condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to solve such issue promptly.

Respectfully submitted,

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